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AUTHOR Elliott, David L.
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ABSTRACT

The study-in-progress examines the treatment of the U.S. Constitution in U.S. history textbooks at the fifth, eighth, and eleventh grade levels. The study focuses on how textbook authors treat: (1) the background and historical setting from which the U.S. Constitution emerged; (2) the writers of the Constitution and the process they went through to produce it; (3) the descriptions of the Constitution's key provisions; (4) the issues involved in the ratification process; and (5) the extent to which the U.S. Constitution is depicted as a living document that has been amended over the years and continues to be the foundation of the government and nation. The study also focuses on how the Constitution is treated at different grade levels. Comparisons were made across textbooks at the same grade level and between the fifth and eighth grade levels. The findings were that the eighth grade textbooks offered more topics and subtopics, generally covered each topic in more detail, and reproduced the text of the U.S. Constitution accompanied by paraphrasing. The findings suggest that the treatment afforded the Constitution at grades five and eight is not sufficient and requires supplementary work by the teacher. The research also suggests that curriculum planners should take advantage of the opportunities at the three grade levels to help students develop their understanding from basic concepts in grade five to increasingly sophisticated concepts and principles in grades eight and eleven. (SM)

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LIVING DOCUMENT OR HISTORICAL ARTIFACT: PRESENTATION OF THE U.S. CONSTITUTION IN U.S. HISTORY TEXTBOOKS

by

David L. Elliott

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LIVING DOCUMENT OR HISTORICAL ARTIFACT: Presentation of the U.S. Constitution in U.S. History Textbooks*

David L. Elliott
Educational Materials Associates, Berkeley, CA

Introduction

On the eve of the bicentennial of its adoption, we are living in an era where key provisions of the Constitution and its Bill of Rights are (to say the least) misunderstood by many, including the current Attorney General of the United States. Thus, it seems quite appropriate to examine the way in which the United States Constitution is depicted in the history courses of our elementary and secondary schools to see whether some of the roots of this misunderstanding may lie in the way in which the Constitution is introduced to the young people of this country. The most accessible indicators of what is presented are the social studies textbook programs intended for use at the grade levels where U.S. history is the main topic.

Purpose

The subject of this study-in-progress is the treatment of the Constitution in U.S. history textbooks at the fifth, eighth, and eleventh grades. The study focuses on how the textbook authors deal with the background and historical setting from which the Constitution emerged, the writers and the process they went through to produce it, the description of its key provisions, the issues involved in getting it adopted and, in particular, the extent to which it is depicted as a living document that has been

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amended over the years and continues to be the basic document underlying the functioning of our nation.

Additionally, since the full range of U.S. history -- including the Constitution -- is scheduled for introduction three times during the elementary-secondary years, it is appropriate to ask what differences there are in treatment of the Constitution and related topics at these three grade levels. To what extent, for example, do the repetitions represent attempts to help students build concepts systematically as they move up the grades, as opposed to merely covering the same ground three times?

Of course, even the best textbook program cannot be expected to provide all we might want a fifth, eighth, or eleventh grader to know about the Constitution or any other topic. However, the results of this kind of study should be useful to those who teach social studies, to the authors and publishers of textbook programs in U.S. history, and especially to those responsible for curriculum planning in the social studies, in determining whether the most valid and age-appropriate content is being effectively presented.

In the study thus far, editions of textbooks published in the 1980s for use at the fifth and eighth grade levels have been analyzed in order to determine (a) which topics were covered, and (b) the extent of that coverage, with a possible range from mere "mentioning" to full exposition. The topics that were the focus of this analysis dealt with:

1. The Articles of Confederation: their formation, provisions, accomplishments, weaknesses.

2. The Constitution of the United States:
   a) Convention issues and compromises.
   b) Basic principles and antecedents.
   c) Main provisions: Summary / full TEXT (annotated or explicated).
   d) Ratification issues, including the Bill of Rights.

3. The "Unfinished Revolution" (esp., slavery, limited suffrage, and the status of women) both as a separate topic and as reflected in:
   a) Subsequent Constitutional Amendments
   b) Current concerns (e.g., ERA)

4. Implementation through:
   a) Supreme Court Decisions (esp. John Marshall and Marbury vs. Madison, Plessy vs. Ferguson, Brown vs. Board of Education),
   b) Political Parties (platforms, nominating process), and
   c) Congressional Legislation (e.g., The Civil Rights Act of 1964.)

The main emphasis in the analysis was on the narrative passages and the learning activities most closely related to those passages since it to those items that students are most likely to be exposed. Once relevant passages in each of the texts had been analyzed, comparisons were made across texts at the same grade level and between the 5th and 8th grade levels. A secondary analysis of the narrative content (and related section- and chapter-end exercises) was carried out to determine cognitive levels at which students are supposed to operate in dealing with the subject matter.

As the study progresses, grade 12 textbooks will be added to the database and analyses at all three grade levels will be extended to include other textbook program components such as the teacher's editions with their background information and lesson plans, unit-end and workbook exercises, and suggestions for supplementation in the form of projects to do and books to read.

Findings

Following is a summary of the findings that have emerged from this study so far.

Topics and subtopics appearing at Grades 5 and 8:

Articles of Confederation with emphasis on weaknesses.

The Constitution: issues and compromises, principles (federalism, republic), provisions (3 Branches, checks and balances), ratification (especially, the need for a bill of rights at both levels and the Federalist-antiFederalist issues at the 8th grade).

Constitutional Amendments: (13th, 14th, 15th, 19th).

Supreme Court Decisions (Brown vs. Board of Education).

Congressional Legislation (Civil Rights Act of 1964).

The Scott, Foresman 5th grade textbook also includes as background for an understanding of the situation that people faced at the time of the Articles of Confederation an example of a contemporary young girl who complains about banking practices and is referred to the Consumers Union publication Penny Power as a contemporary source of help.

How Eighth Grade Differs from 5th Grade: The 8th grade textbooks offered more topics and subtopics, generally covered each topic in more detail, and reproduced the text of the Constitution accompanied by paraphrasing (1 program), explication (1 program), or annotations (6 programs). In addition more more complex language and a more difficult level of vocabulary was used in the narrative passages.

Some 8th grade textbooks also offer special features in addition to the regular narrative text. For example, three Allyn & Bacon "Heritage" sections featured, successively, the Constitution as the supreme law of the land, a distinction between "the people" and those who could vote, and the rise and functions

of political parties. There were also one-page features in both the Merrill and Riverside volumes on changing the Constitution, both formally (i.e., through amendments and Congressional legislation) and informally, and a stress on the fact that our government based on the Constitution "still works" after all these years. Scott, Foresman also included one-page "Law in America" features on tradition and law, checks and balances, the Black Codes following the Civil War, and civil rights during World War I.

Topics Related to the "Unfinished Revolution." Direct references to this "unfinished business" were found in only one program at the 5th and two programs at the 8th grade level. The 5th grade Scott, Foresman textbook reminds readers that slavery was still permitted in the Constitution and that the right to vote was originally quite limited. At the 8th grade level, the Allyn & Bacon textbook points out the distinction between the large group called "the people" and a much smaller one called "voters." The McGraw-Hill 8th grade text indicates that slavery is still permitted.

Otherwise, the 200-year evolution of the Constitution is only indirectly implied in the introduction of the amendments that were made over the years and in the description of some contemporary concerns such as those represented by the civil rights movements. In their coverage of the Constitutional Amendments, one 8th grade textbook included all of them, two omitted only the 20th, 23rd, and 24th, and there was a sharp drop-off from there, with the most recent amendments being those omitted the most.

Most important of all, perhaps, the Constitutional questions involved in important decisions and actions of those in the

in the government and others are seldom mentioned in the textbook passages.

Topics Related to the Implementation of the Constitution.

Political Parties. All the 8th grade textbooks, save one take up the rise of political parties, but only one (Allyn & Bacon) relates this rise related directly back to the Constitution and its provisions.

Supreme Court Decisions. All the 8th grade textbooks included Marbury vs. Madison on judicial review and Brown vs. the Topeka Board of Education. Of the other landmark decisions, McCulloch vs. Maryland on the National Bank was mentioned in two textbooks, Gibbons vs. Ogden on interstate commerce in two, Fletcher vs. Peck on federal supremacy in one, Dred Scott in two, Plessy vs. Ferguson, "separate vs. equal" in four, Miranda vs. Arizona in three, and Bakke vs. the University of California in one.

Congressional Legislation. Two examples: two 8th grade textbooks including Jefferson's questioning the constitutionality of the Louisiana Purchase and the legislation that resulted from the civil rights concerns of the 1960s.

Of the topics that are introduced in the textbooks that were analyzed, most were merely mentioned, particularly at the 5th grade level. That is to say, most topics were introduced only briefly -- sometimes with explanations in the form of definitions, with little attention to the requirements of concept formation, as illustrated in the following passage:

Three Branches of Government

> The Constitution divides the government into three parts, or branches. The first branch is Congress, which is made up of the Senate and the House of Representatives. Congress forms

> the legislative branch (lej is la tiv branch), which makes laws. The second branch is the executive (eg zek y tiv)) branch. It carries out the laws that Congress makes. The executive branch is headed by the President. The third branch is the judicial (joo dish l) branch. Its job is to explain the meaning of the laws. The judicial branch has a system of courts that decides when laws have been broken. At the head of the judicial branch is the Supreme Court (s prem kort). This court has nine justices, or judges who serve for life. The head of the Supreme Court is the Chief Justice.

[Note that in this passage, the term "laws" is employed in the criminal or civil, rather than the legislative-policy sense.]

In most of the text passages, moreover, the emphasis is on factual recall, on the manipulation of symbols, as exemplified by section- and chapter-end fill-in-the-blanks and other similar questions. Thus, it is left to the teacher, using resources supplementary to the textbook, to deepen and extend topic coverage, to help students build concepts, and to guide students to an understanding of the interrelation- ships among topics and the historical developments that take place over many decades.

Virtually no reference is made in any of the textbooks to events that might have taken place within the students' experience that would help them to make sense out of the rather abstract problems and issues surrounding the founding of this nation. On the other hand, only one (8th grade) textbook indicates that the ideas and principles incorporated in the Constitution had historical precedents. Finally, only two textbooks mention the Constitution and the continuing development of our nation in a closing chapter. It is not hard to understand why our Constitution might appear to students like more artifact than living document.

Discussion

The results of this study thus far should help focus attention on the school staffs who plan the social studies curriculum and select (and use) textbooks, and particularly on the teachers who implement these programs in their classrooms.

One important question to ask is: Why repeat very much the same incomplete account two or three times within the scope of the elementary-secondary school years? Is our main purpose to make students familiar with the story of the founding of our nation as a kind of oral tradition by having them rehearse words and phrases for which fuller meaning will be filled in later -- i.e., in high school and afterwards?

Would it not be better to take better advantage of our opportunites at the three grade levels by helping students to build their understanding spiral-fashion from basal concepts in grade 5 to increasingly sophisticated concepts and principles in grades 8 and 12 and beyond. The grade 5 consideration of the Constituion could be built upon experiences in grade 1 through 4 in which students are helped to develop the concepts underlying an understanding of the basic human institutions of family, communities, economic systems, and political organizations. Such a strategy would provide analogies, points of reference, and other bases for building concepts and engendering a real understanding what happened in this country in the late 1770s and subsequently. In addition, current events could be employed as sources of concepts and analogies; for example, the status of the United Nations in the world today could be a source of important insights into the strengths and weakneses of the government under the Articles of Confederation.

Conclusion

Judging by the findings of this on-going study so far, it is not hard to see how the U.S. Constitution might be misunderstood by many people, particularly if, if what they have learned about it is limited to what they have read in their grades 5 and 8 textbooks. (However, preliminary analysis does indicate that the grade 11 textbooks give the Constitution somewhat better coverage.) The treatment afforded the Constitution at the grade 5 and 8 levels is clearly not sufficient and requires much augmentation--presumably on the part of teacher. Moreover, given the problems of getting nationally distributed textbook programs accepted by communities with a wide range of requirements, we probably should not expect much improvement in the textbook component of our overall instructional programs. Instead, we should put major stress on locally produced materials and on a wide variety of commercially published supplementary materials from which local school systems can select those most appropriate to their own needs and preferences. In addition to what is done in schools, there should on-going educational activities touching on many aspects of our national history and institutions through the mass media, libraries, and in connection with local observances of national holidays.

Curriculum planning in at least two states appears to be moving in promising directions. For example, the social studies program at the grade 4 level in New York State will focus on the study of local history using primary sources and other locally generated materials. This could contribute significantly to helping students build concepts that are basic to the

understanding of constitutional issues. In California an alternative to the three present repetitions of U.S. history has been proposed by the developers of a recent draft state framework for history and social studies. In that proposed program, the study of U.S. history would be divided up three ways, with the Colonial Period through the Age of Jackson emphasized in grade 5, the balance of the 19th century in grade 8, and the 20th century in grade 11. At the beginning of grades 8 and 11, students would review (among others) topics related to the U.S. Constitution and relate them to the events of the historical periods covered. Developments such as these bear careful study and could have a significant effect on the textbook industry.

Textbooks Studied

Grade 5.

Allyn & Bacon, OUR UNITED STATES, 1983
Ginn & Company, THE COUNTRY, 1983.
Heath, AMERICANS, 1979.
Holt, Rinehart & Winston, OUR HISTORY, 1983.
Macmillan, THE UNITED STATES AND THE OTHER AMERICAS, 1985.
McGraw-Hill, UNITED STATES, 1986.
Scott, Foresman, AMERICA PAST AND PRESENT, 1983.
Silver Burdett, THE UNITED STATES AND ITS NEIGHBORS, 1984.

Grade 8.

Allyn & Bacon, AMERICAN SPIRIT, 1985.
Harcourt Brace Jovanovich, AMERICAN HISTORY, 1982.
Holt, Rinehart & Winston, HISTORY OF THE AMERICAN PEOPLE, 1986.
McDougal, Littel, A PROUD NATION, 1983.
McGraw-Hill, SEA TO SHINING SEA, 1982.
Merrill, AMERICA IS, 1984.
Riverside, THIS GREAT NATION, 1983.
Scott, Foresman, AMERICA! AMERICA!, 1982.